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December 12, 2024

By ECF

Hon. Robert W. Lehrburger
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Room 18D
New York, NY 10007-1312

Re: Betances, et al. v. Fischer, et al., No. 11-Civ-03200 (RWL)

Dear Judge Lehrburger:

This firm represents the Plaintiff Class in this action. We write, with Defendants' consent, to request that the current schedule be modified as follows:

1. January 15, 2025: (a) Plaintiffs will identify named Plaintiff(s) that qualify as Sentencing Minutes Members for case management purposes; and (b) the parties will file a report with the Court indicating whether they would prefer a trial that is limited solely to general damages for lost liberty, or a hybrid trial that would also include all other compensatory damages for the representative Plaintiffs that might also serve as a bellwether.
2. February 14, 2025: The parties will complete and produce all paper discovery concerning the new named Plaintiff(s).
3. March 14, 2025: Depositions of new named Plaintiff(s) will be completed. Defendants will promptly advise the Court and counsel for Plaintiffs whether they intend to object to the adequacy or typicality of the proposed new named Plaintiff(s), or the use of any of them as a bellwether.

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4. April 15, 2025: In the event no motion practice concerning the new Plaintiffs is contemplated, the parties will submit updated pre-trial materials.

Thank you for your consideration of this request.

Respectfully submitted,

/s Matthew D. Brinckerhoff

- c. Counsel of record via ECF